

# **1-1-.17 Reinstatement and Issuance of a Commercial Driver's License following a Lifetime Disqualification**

1. Any person who has been disqualified from operating a commercial motor vehicle for life, by the State of Georgia, pursuant to 49 C.F.R. 383.51 and/or O.C.G.A. § 40-5-151 due to convictions for "major violations" as defined in ~~may~~ O.C.G.A. § 40-5-142 may apply to reinstate their commercial driving privileges ~~apply for issuance of another commercial driver's license~~ after serving at least ten (10) years of such disqualification unless one (1) or more of such major traffic violations was a conviction for vehicular homicide in the first degree, serious injury by vehicle, using a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or Human Trafficking.
- ~~1.2.~~ No person with an active suspension, revocation, or any disqualification other than the aforementioned lifetime disqualification(s) shall be eligible to reinstate their commercial driving privileges under this rule.
- ~~2.3.~~ In order to be eligible for reinstatement of commercial driving privileges after a lifetime disqualification ~~issuance of a commercial driver's license~~ pursuant to Paragraph (1), such person must provide acceptable documentation of the following:
  - ~~3.A.~~ Applicants must have a driving record which reflects ~~no major traffic violation(s) convictions whatsoever~~ for a period of five (5) years prior to submitting such application. ~~If the applicant was licensed in another jurisdiction(s) in the last five (5) years, they are required to submit a certified five (5) year (or more) copy of their driving record from each jurisdiction. The applicant may be required to submit a certified copy of his or her driving record upon the State's request if needed for this purpose.~~ A certified copy of his or her driving record reflecting ~~no convictions whatsoever~~ for a period of five (5) years prior to submitting such application. ~~For purposes of this regulation, the definition of "major traffic violation conviction" in O.C.G.A. § 40-5-142 shall apply;~~
  - ~~4.B.~~ If either ~~major traffic violation disqualifying conviction which contributed to the lifetime disqualification~~ involved alcohol, a clinical evaluation ~~issued after the related violation date~~ ~~issued within ninety (90) days of such application after the original violation~~ reflecting a determination that no treatment is recommended or completion of recommended treatment is required. For purposes of this regulation, the definition of "clinical evaluation" in O.C.G.A. § 40-5-1 shall apply; ~~and~~
  - ~~1.C.~~ If neither ~~major traffic violation disqualifying conviction~~ involved alcohol, a certificate of completion from a ~~Certified Driver Improvement Course~~ issued after the related violation date is required; ~~within ninety (90) days of such application;~~ and
  - ~~1.D.~~ An application fee of \$210; and

~~A current USDOT medical certificate card.~~

~~2. —~~

~~(4) Following reinstatement of commercial driving privileges after a lifetime disqualification pursuant to paragraph (1), a person who wishes to obtain a Georgia commercial driver's license must complete the following steps:A certified copy of his or her driving record reflecting no convictions whatsoever for a period of five (5) years prior to submitting such application. For purposes of this regulation, the definition of "conviction" in O.C.G.A. § 40-5-1 shall apply;~~

~~5. If either major traffic violation conviction involved alcohol, a clinical evaluation issued within ninety (90) days of such application reflecting a determination that no treatment is recommended. For purposes of this regulation, the definition of "clinical evaluation" in O.C.G.A. § 40-5-1 shall apply; and~~

~~6. If neither major traffic violation conviction involved alcohol, a certificate of completion from a Certified Driver Improvement Course issued within ninety (90) days of such application; and~~

~~7. An application fee of \$210; and~~

~~8. A current USDOT medical certificate card.~~

~~9.(a) Upon successful completion of the applicable knowledge exam, such person shall be issued a Commercial Learner's Permit in such class. ~~Commercial Learner's Permits issued pursuant to this regulation shall be restricted to intrastate driving only. Commercial Learner's Permits issued pursuant to this regulation shall not contain a Passenger endorsement. The Commercial Learner's Permit must be held for a minimum of fourteen (14) days prior to being administered the applicable skills test.~~~~

~~10. (b) Upon successful completion of the applicable skills test, such person shall be issued a Commercial Driver's License. If the applicant does not have has not held any other valid commercial privileges within the 10-year period, this license shall be restricted to Intrastate Driving only. Such restriction may be removed after two (2) years if such person's driving record contains no convictions for any "Serious Traffic Violation" or "Railroad Grade Crossing" offense refereneed in O.C.G. A § 40-5-142 and O.C.G.A. § 40-5-151.~~

~~11. —(5) Commercial Driver's Licenses issued pursuant to this regulation shall not contain a Passenger Endorsement for the first two (2) years. Such person may be eligible for a Passenger Endorsement after two (2) years if such person's driving records contains no convictions of any "Serious Traffic Violation" or "Railroad Grade Crossing" offense refereneed in O.C.G.A. § 40-5-142 and O.C.G.A. § 40-5-151.~~

~~12.~~ No person whose ~~L~~ifetime ~~D~~isqualification from operating a commercial motor vehicle has been reduced to ten (10) years pursuant to this regulation shall be eligible for a Hazardous Materials endorsement or a School Bus ~~E~~endorsement on any license or permit issued as a result thereof.

~~13.~~ (6) No person who incurs a conviction for a “Major Traffic Violation” after ~~his or her~~their ~~L~~ifetime ~~D~~isqualification from operating a commercial motor vehicle has been reduced to ten (10) years pursuant to this regulation shall be eligible for a subsequent reinstatement of commercial driving privileges~~re-issuance of a Commercial Driver’s License~~.

(7) Appeals of decisions related to the reinstatement and issuance of another commercial driver’s license after serving at least ten (10) years of a ~~L~~ifetime ~~D~~isqualification must be submitted on the prescribed DDS hearing request form electronically, mail, or in-person within ten (10) days. The appeal process will be handled in accordance with Ga. Comp. R. & Regs. R. 375-1-1-.06.

~~14.~~ ~~in writing, within ten (10) days of the decision from the Department and shall contain the following information:~~

- ~~1. The name, address, driver's license number and date of birth of the licensee who is the subject of the appeal;~~
- ~~2. A clear and concise statement of the facts upon which the contested case arises;~~
- ~~3. The legal authority under which the appeal is filed, including all code sections;~~
- ~~4. A prayer setting forth the relief sought; and~~
- ~~5. E. If the party filing the request is represented by counsel, the name and address of counsel. Appeals submitted by attorneys should be signed by same.~~

~~15.~~ (8) Upon receipt of a timely, properly filed appeal, the Department will review and issue a final decision., ~~the Department will forward the appeal and all pertinent documents to the Office of State Administrative Hearings (OSAH) in accordance with OSAH rules.~~

~~16.~~ (9) Requests to have ~~L~~ifetime ~~D~~isqualifications from operating a commercial motor vehicle reduced to ten (10) years ~~under paragraph (2)~~ and appeals under ~~paragraph (8)~~ should be sent to the following address:

Attn: CDL Unit

2206 Eastview Parkway

Conyers, Georgia 30013

**Authority: O.C.G.A. §§ 40-5-4, 40-16-2, 40-16-3, 40-16-4, 40-16-5, 40-5-101, 40-5-142, 40-5-151, 40-5-156, 49 CFR § 383.51(a)(6), 49 C.F.R. § 390.9.**

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this amendment is to review and update the Commercial Driver's Licensing rules and allow for applicants who do not seek to obtain a CDL in Georgia to be eligible for reinstatement.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE**

The proposed amendment adds reference to reinstatement of commercial driving privileges for customers who do not seek to obtain a CDL in Georgia. Only if the applicant has been licensed in a jurisdiction(s) other than Georgia in the last five years are they required to submit a certified copy of their driving record from the other jurisdiction(s). The applicant cannot have any major traffic violation in the last five years, which is changed from any conviction in the last five years. The clinical evaluation or driver improvement course certificate does not have to be completed within 90 days of the application for reinstatement. A current medical certificate card is no longer required. The requirement of the intrastate driving restriction is removed. The proposed amendment allows a person to be eligible to have a Passenger endorsement without waiting two years. Reference to the DDS appeals rule, Ga. Comp. R. & Regs. R. 375-1-1-.06 is included. The rule title, numbering format, and statutory authority are updated.